

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

**LOK SABHA  
UNSTARRED QUESTION NO. 1362  
TO BE ANSWERED ON FRIDAY, THE 06<sup>th</sup> FEBRUARY, 2026**

**FILLING THE VACANT POSTS IN COURTS**

**1362. Shri Amra Ram:**

Will the Minister of Law and Justice be pleased to state:

- (a) the number of sanctioned and vacant posts from the subordinate courts level to the Supreme Court level;
- (b) the reasons for not filling the vacant posts on time and the proposal to resolve the same;
- (c) whether the department proposes to recruit High Court and Supreme Court judges either through UPSC or a Tribunal; and
- (d) if so, the timeline by which it would be completed, and if not, the reasons therefor?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS**

**(SHRI ARJUN RAM MEGHWAL)**

- (a) to (d)** The details of number of sanctioned and vacant posts from the subordinate courts level to the Supreme Court level, is as below:

<b>Name of Court</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacancy</b>
Supreme Court (as on 19.01.2026)	34	33	01
High Court (as on 19.01.2026)	1122	816	306
District and Subordinate Court (as on 05.02.2026)	25,894	21,046	4,848

Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per the MoP, the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court.

Filling up of the vacancy in the higher Judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. It requires consultation and approval from various Constitutional Authorities both at State and Central level which are obtained in accordance with the MoP. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

Further, filling up of vacant positions of the judicial officers in District and Subordinate courts is the responsibility of the High Courts and State Governments concerned. As per the Constitutional framework, in exercise of powers conferred under the proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the rules and regulations regarding the appointment and recruitment of Judicial Officers. The Hon'ble Supreme Court vide order passed in January 2007 in the Malik Mazhar Sultan case, has inter-alia stipulated certain timelines, which are to be followed by the States and the respective High Courts for recruitment of judges in District and Subordinate Courts.

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